

## **II. Restriction**

- Group I. Claims 1-8, 10, 11, 51-55, 70, and 71 (claims directed to an isolated polynucleotide encoding a polypeptide of the amino acid sequence set forth in SEQ ID NO: 2, a diagnostic reagent thereof, a vector containing the same, a host cell thereof, a method of recombinantly producing the encoded polypeptide, a pharmaceutical composition thereof, and a polynucleotide attached to a solid support);
- Group II. Claims 1-8, 10, 11, 51-55, 70, and 71 (claims directed to an isolated polynucleotide encoding a polypeptide of the amino acid sequence set forth in SEQ ID NO: 4, a diagnostic reagent thereof, a vector containing the same, a host cell thereof, a method of recombinantly producing the encoded polypeptide, a pharmaceutical composition thereof, and a polynucleotide attached to a solid support);
- Group III. Claims 9, 13-22, and 45-50 (claims directed to an isolated polypeptide of the amino acid sequence set forth in SEQ ID NO: 2, a composition thereof, a pharmaceutical agent thereof, and a fusion protein);
- Group IV. Claims 9, 13-22, and 45-50 (claims directed to an isolated polypeptide of the amino acid sequence set forth in SEQ ID NO: 4, a composition thereof, a pharmaceutical agent thereof, and a fusion protein);
- Group V. Claim 12 (claim directed to a method for determining an inhibitor of the CD20/IgE Receptor like polypeptide of the amino acid sequence set forth in SEQ ID NO: 2);
- Group VI. Claim 12 (claim directed to a method for determining an inhibitor of the CD20/IgE Receptor like polypeptide of the amino acid sequence set forth in SEQ ID NO: 4);
- Group VII. Claims 23-26, 28-41, 43, and 44 (claims directed to an antibody or fragment thereof of SEQ ID NO: 2, a selective binding agent thereof to SEQ ID NO: 2, and a hybridoma producing the same);
- Group VIII. Claims 23-26, 28-41, 43, and 44 (claims directed to an antibody or fragment thereof of SEQ ID NO: 4, a selective binding agent thereof to SEQ ID NO: 4, and a hybridoma producing the same);
- Group IX. Claim 27 (claim directed to a method of detecting of CD20/IgE receptor like polypeptides of the amino acid sequences set forth in SEQ ID NO: 2);
- Group X. Claim 27 (claim directed to a method of detecting of CD20/IgE receptor like polypeptides of the amino acid sequences set forth in SEQ ID NO: 4);
- Group XI. Claim 42 (claim directed to a method of treating, preventing, or ameliorating disease or disorder by administering the antibody to the polypeptide of SEQ ID NO: 2);

- Group XII. Claim 42 (claim directed to a method of treating, preventing, or ameliorating disease or disorder by administering the antibody to the polypeptide of SEQ ID NO: 4);
- Group XIII. Claim 56 (claim directed to a method of treating, preventing, or ameliorating disease or disorder by administering the polypeptide of the amino acid sequence set forth in SEQ ID NO: 2);
- Group XIV. Claim 56 (claim directed to a method of treating, preventing, or ameliorating disease or disorder by administering the polypeptide of the amino acid sequence set forth in SEQ ID NO: 4);
- Group XV. Claim 57 (claim directed to a method of diagnosing a pathological condition using an antibody to the polypeptide of the amino acid sequence set forth in SEQ ID NO: 2);
- Group XVI. Claim 57 (claim directed to a method of diagnosing a pathological condition using an antibody to the polypeptide of the amino acid sequence set forth in SEQ ID NO: 4);
- Group XVII. Claims 58 and 59 (claims directed to a device suitable for implantation of a polypeptide);
- Group XVIII. Claim 60 (claim directed to a method for identifying a compound that binds the polypeptide of SEQ ID NO: 2);
- Group XIX. Claim 60 (claim directed to a method for identifying a compound that binds the polypeptide of SEQ ID NO: 4);
- Group XX. Claims 61 and 66 (claims directed to a method of treating, preventing, or ameliorating a disease or disorder by administering nucleic acid encoding the polypeptide of the amino acid sequence SEQ ID NO: 2);
- Group XXI. Claims 61 and 66 (claims directed to a method of treating, preventing, or ameliorating a disease or disorder by administering nucleic acid encoding the polypeptide of the amino acid sequence SEQ ID NO: 4);
- Group XXII. Claim 62 (claim directed to a transgenic non-human animal expressing nucleic acid encoding the polypeptide of the amino acid sequences of SEQ ID NO: 2);
- Group XXIII. Claim 62 (claim directed to a transgenic non-human animal expressing nucleic acid encoding the polypeptide of the amino acid sequences of SEQ ID NO: 4);
- Group XXIV. Claim 63 (claim directed to a transgenic non-human animal comprising a disrupted nucleic acid encoding the polypeptide of the amino acid sequence of SEQ ID NO: 2);
- Group XXV. Claim 63 (claim directed to a transgenic non-human animal comprising a disrupted nucleic acid encoding the polypeptide of the amino acid sequence of SEQ ID NO: 4);

Group XXVI. Claims 64 and 65 (claims directed to a method of identifying antagonists of CD20/IgE receptor);

Group XXVII. Claim 67 (claim directed to an antagonist of a CD20/IgE-receptor); and

Group XXVIII. Claims 68 and 69 (claim directed to a method of reducing cellular proliferation comprising transforming or transfecting cells with a nucleic acid encoding an antagonist of CD20/IgE-receptor).

Prior to election, the applicants wish to point out to the examiner that they believe that claims 54 and 55 should be placed in Groups III and Group IV rather than Group I and Group II (depending upon the sequence species SEQ ID NOs: (1,2) or (3,4)). As the examiner will note, claims 54 and 55 are directed to fusion proteins comprising the polypeptide of claims 13, 14, or 15 fused to a heterologous amino acid sequence or an IgG constant domain or fragment thereof, and further, they depend from claims 13, 14, or 15 (claims directed to polypeptides). **The undersigned respectfully request that the examiner address this issue in the next Communication from the Patent Office.**

### **III. Election**

The applicants hereby elect Group I, which includes claims 1-8, 10, 11, 51-55, 70, and 71 drawn to the human polynucleotide of SEQ ID NO: 1 with traverse (notwithstanding the foregoing discussion of claims 54 and 55).

### **IV. Traversal Arguments**

The applicants request examination of Groups I and III together, in view of the fact that the invention cited by the examiner as representative of Groups I and III are related inventions and examination of all claims comprising these groups would not constitute an undue burden on the Patent Office.

The claims of Group I are directed to an isolated polynucleotide encoding a polypeptide of the amino acid sequence set forth in SEQ ID NO: 2, a diagnostic reagent thereof, a vector containing the same, a host cell thereof, a method of recombinantly producing the encoded polypeptide, a pharmaceutical composition thereof, a polynucleotide attached to a solid support, and a fusion protein, while claims of Group II are drawn to an isolated polypeptide of the amino acid sequence set forth in SEQ ID NO: 2, a composition thereof, and a pharmaceutical agent thereof (see foregoing discussion of claims 54 and 55). The polypeptides and compositions thereof of Group III are those encoded by the

polynucleotides of Group I. Furthermore, the polypeptide of claim 9 (Group III) is inherently produced by the process of claim 8 (Group I). Any search designed to identify documents relevant to the patentability of the claimed polynucleotides will employ the same or similar terms or techniques, and therefore, yield the same or similar documents as a search designed to identify documents related to the claimed polypeptides. In view of the foregoing, the applicants submit that it would not constitute an undue burden on the Patent Office to combine Groups I and III.


**V. Conclusion**

In view of the foregoing, the applicants submit that they have fully and properly responded to the outstanding restriction requirement. Should the examiner have any questions or comments regarding this response or the application, the examiner is invited to contact the undersigned at the number indicated.

Respectfully submitted,

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